

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG

FILED

Plaintiff,

) MAY 18 2015

Charles Godlove, Pro se
200 East Stephen St. #205
Martinsburg, WV 25401
v.

)
U.S. DISTRICT COURT-WVND
MARTINSBURG, WV 25401

Defendants:

) CIVIL ACTION NO. 3:14-CV-132
JUDGE GROH

Martinsburg Senior Towers LP,
Millennia Housing Management LTD
American Preservation Builders LLC

This 18 day of May 2015

And Counsel:

S. Snowden, Jason Murphy and Martin & Seibert, L.C.
P.O.Box 1286
1453 Winchester Ave.
Martinsburg, West Virginia 25402-1286
&

Signed



Charles Godlove, Pro se

Gregory Kennedy, Esquire
Franklin & Prokopik
100 South Queen Street, Suite 200
Martinsburg, West Virginia 25401

NOTICE OF APPEAL

On this 18th Day of May 2015 I, Charles Godlove (Plaintiff) move for an APPEAL in

the above named case hereby appealing to the United States Court of Appeals for the Fourth Circuit of Richmond, Virginia. Based on factual elements which are truthful and cannot be disputed in any way so as to alter the truth and or it's importance.

(1) Regarding Roseboro v. the United States CASE 1:13cv513 (LO/TRJ), on February 12, 2015 Judge Liam O'Grady said, "When evaluating a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6), a court must presume that all factual allegations in the complaint are true, and must draw all reasonable inferences in the plaintiffs favor. See, e.g.. Burbach Broad. Co. of Del, v. Elkins RadioCorp..278F.3d401,406(4thCir.2002).

Therefore, a court may not dismiss a complaint if the plaintiff pleads any plausible set of facts. that would entitle him to relief. See, e.g.. Conlev v. Gibson. 355 U.S. 41,45-46 (1957). A claim has plausibility if the plaintiff alleges sufficient facts by which a court could reasonably infer the defendant's liability. Ashcroft v.Iqbal.556 U.S. 662, 678 (2009 (citing Bell Atl. v. Twombly. 550 U.S. 544, 556 (2007)). To meet this standard, however, the plaintiff must do more than simply allege "threadbare recitals of the elements of a cause of action, supported by mere conclusory statements" I d (citing Twombly. 550 U.S. at 555)). Thus, the plaintiff must allege facts that show more than a "mere possibility of misconduct" by the defendant. Id at 679."

(internal quotation marks omitted)

(2) Without abstract knowledge the instant case follows the concept and supported in the conclusory statements of record. While the Motion for Roseboro Notice, should have been dismissed due to the entry of EXHIBITS (1 & 2) which were never argued by the

Defense for location or content. More than threadbare recitals were offered as claim for action and further statements could not have presented more fruit, in such as a good preamble for Americans with Disabilities Act would state and that is the intent of ADA.

(3) Attorney's for the defendants provided the Court with (Exhibit A) that being a signed affidavit by Dean building official in which he clearly stated wrongful signage at a minimum.

(4) Prior to dismissal, April 6, 2015 for a conference of scheduling, attorneys for the defense willfully failed to discuss a "prompt resolution", as the Court had ordered to do. s

(5) The matter herein was described as simple and the request for attorney was denied thus plaintiffs' knowledge of the law was no match for skilled law firms and the attorneys deployed and had an attorney been appointed by the court, the matter of public importance would have prevailed.

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Signed

Signed


Certificate of Service

I HEREBY CERTIFY that on the 18th day of May, 2015, I filed the foregoing with Clerk of the Court in person and using USPS to counsel of record by USPS postage per paid, upon the following:

Susan Snowden, Esquire
Gregory Kennedy, Esquire
&
Jason Murphy, Esquire